

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
August 31, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 1250 C, Denver, Colorado 80202 at 8:45 a.m. by Richard Leone, DVM, President.

Board Members Present

Richard Leone, DVM, President
Joni Edwards, DVM, Vice-President
Kim Stone, DVM, Secretary
Kristin Woestehoff, DVM
Stacy Worthington, Public Member

Board Members Absent

Michael Gotchey, DVM

Staff

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
Melissa Garner, Office of Expedited Settlement

II. APPROVAL OF MINUTES

August 21, 2009

A motion was made, seconded, and carried to approve as presented the August 21, 2009 meeting minutes.

October 25, 2010

A motion was made, seconded, and carried to approve as amended the October 25, 2010 meeting minutes.

December 9, 2010

A motion was made, seconded, and carried to approve as amended the December 9, 2010 meeting minutes.

February 10, 2011

A motion was made, seconded, and carried to approve as amended the February 10, 2011 meeting minutes.

April 14, 2011

A motion was made, seconded, and carried to approve as amended the April 14, 2011 meeting minutes.

May 11, 2011

A motion was made, seconded, and carried to approve as amended the May 11, 2011 meeting minutes.

May 20, 2011

A motion was made, seconded, and carried to approve as presented the May 20, 2011 meeting minutes.

III. REPORTS

Report from the Program Director, Maulid Miskell

Mr. Miskell briefed the Board on his trip to Africa. He reminded the Board of plans to recognize Dr. Michael Gotchey for his services to the Board and summarized the process of filling the vacant positions on the Board.

Mr. Miskell reminded those in attendance that there is to be no discussion or input from the public during case discussions since all the information necessary for Board deliberation was provided ahead of time in writing for consideration, and reminded the Board Members that any discussion in issuing confidential letters of concern or any disciplinary guidance be referred to Executive Session.

He reminded Board members of the September 1, 2011 Board meeting to consider new Rules, the upcoming presentation by select Board members at the annual CVMA convention, as well as the attendance of himself and select Board members at the annual AASVB conference.

IV. CONTINUING EDUCATION

Continuing Education – Kim Stone, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following requests:

- A motion was made, seconded, and carried to table # 25 and 42 for further Board review.
- A motion was made, seconded, and carried to grant 5 hours of CE for # 36.

Memorandum regarding tabled CE approval request

A motion was made, seconded, and carried to approve the tabled # 10 application from the June 15, 2011 Board meeting.

V. OPEN FORUM

No member of the public had any statement.

VI. UNFINISHED BUSINESS

Memorandum regarding Board Policy and Procedural Order for Initial Decisions

A motion was made, seconded, and carried to approve as discussed.

Memorandum regarding AAVSB Candidate Nominations

Board noted.

VII. NEW BUSINESS

Memorandum regarding Prescribing Prescription Drugs article by Mo Miskell

Board noted.

VIII. LICENSING

Memorandum regarding newly licensed Veterinarians. (Consent Item)

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Yes Applications

Memorandum regarding Valerie Johnson, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to deny application for licensure at this time.

Memorandum regarding Jamie Fiege, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for further discussion. Upon returning to Open Session, a motion was made, seconded, and carried to deny application for licensure at this time.

Memorandum regarding David Christensen, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to table application pending receipt of additional information.

Memorandum regarding Rajendra Sanathara, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to table application pending receipt of additional information.

Memorandum regarding Rachel Nichols, DVM

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for further discussion. Upon returning to Open Session, a motion was made, seconded, and carried to grant conditional licensure.

IX. INITIAL REVIEW

AGENDA ITEM #1 Stephen Lane, DVM # 4238 Case #2011-004607

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #2 Merilee Laas, DVM # 5789 Case #2011-005038

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information. A motion was made, seconded and carried to refer this case to the Office of Investigations for further investigation.

AGENDA ITEM #3 William Hancock, DVM # 2943 Case #2011-005110

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #4 Thomas Geiselhardt, DVM # 4226 Case #2012-000041

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #5 Terry Spraker, DVM # 2527 Case #2011-005152

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #6 Donald Pfretzschner, DVM # 2970 Case #2011-005063

Ms. Worthington recused herself from the discussion and the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM #7 James Ziegler, DVM # 6922 Case #2011-005067

Ms. Worthington recused herself from the discussion and the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM #8 Tracy Thomas, DVM # 4171 Case #2012-000066

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #9 Elizabeth Clark, DVM # 7647 Case #2011-005022

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit. A motion was then made, seconded, and carried to void the case number.

AGENDA ITEM #10 Gary Voelker, DVM # 2148 Case #2011-005127

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

X. TABLED

Jeremy Sebor, DVM # 8369 Case #2010-004755

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

Rick Heller, DVM # 4702 Case #2011-002646

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Kimberly Hanzlik, DVM # 8665 Case #2011-004597

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Felix Duerr, DVM # 8371 Case #2010-001315

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case as being without merit.

Jeffrey Young, DVM # 5112 Case #2010-004755

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

Ari Zabel, Unlicensed Case #2011-001767

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

XI. MISCELLANEOUS

Patricia Luttgren, DVM, 3031, Open Letter to Board Case # 2008-00273

After careful consideration of the information provided, a motion was made, seconded, and carried to deny the request for rescinding stipulation.

XII. STIPULATIONS

Open Stipulations Report
August 9, 2011
Board noted.

Lee Bregitzer, DVM # 2082
Case # 2009-001760 – Memo 1

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the previously tabled fifth practice monitor report with further guidance provided to the practice monitor.

Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo 2: Previously reviewed by the Board on June 15, 2011
After careful consideration of the information provided, a motion was made, seconded, and carried to accept the previously tabled sixth practice monitor report with further guidance provided to the practice monitor.

Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo 2

After careful consideration of the information provided, a motion was made, seconded, and carried to table consideration of the seventh practice monitor report pending further information.

Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo 3

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the eighth practice monitor report with further guidance provided to the practice monitor.

Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo 4

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the ninth practice monitor report with further guidance provided to the practice monitor.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 1

Board noted.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 2

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the fifth practice monitor report.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 3

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the sixth practice monitor report.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 4

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the seventh practice monitor report.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 5

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the eighth practice monitor report.

Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo 6

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the ninth practice monitor report.

Mark Cochran, DVM # 3252
Case # 2010-002365 – Memo 7

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the certificate of completion for continuing education.

James Garvin, DVM # 8421
Case # 2010-003614

After careful consideration of the information provided, a motion was made, seconded, and carried to grant request for closure of the disciplinary case.

Lori Resig, DVM # 8946
Case # 2011-001259

After careful consideration of the information provided, a motion was made, seconded, and carried to deny the requested approval of 3 hours CE credit absent of a certificate of completion.

James Wright, DVM # 2400
Case # 2010-001889

After careful consideration of the information provided, a motion was made, seconded, and carried to grant request for closure of the disciplinary case.

XIII. ADJOURNMENT FROM OPEN SESSION

Richard Leone, DVM, Board President, called for a motion on August 31, 2011 at 1:08 p.m. that the State Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- ☐ The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
 - Application of Rachel Nichols
 - Application of Valerie Johnson
 - Application of Jamie Friege
 - Case No. 2012-000066 Tracy Thomas
 - Case No. 2011-005127 Gary Voelker
 - Case No. 2011-002646 Rick Heller
 - Case No. 2011-004597 Kimberly Hanzlick
 - Case No. 2011-01315 Felix Duerr
 - Case No. 2011-001355 Jeffrey Young
- ☐ Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report, to discuss with counsel.
 - Case No. 2011-004059 Peggy Cruder
 - Case No. 2012-000125 Timothy Holloman
 - Case No. 2011-003115 Gyula Joo
 - Case No. 2011-000295 and 2011-001847 Merilee Laas
 - Case No. 2011-003115 Joan Murnane

XIV. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the State Board of Veterinary Medicine adjourned at 1:08 p.m. The Board then entered into Executive Session at 1:08 p.m. and reconvened in Open Session at 3:12 p.m.

XV. ADJOURNMENT FROM OPEN SESSION

The final meeting adjournment was at 3:16 p.m. The Board will reconvene on Thursday, September 1, 2011, at One Civic Center Plaza, Conference Room 1550 Large, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the State Board of Veterinary Medicine meeting held on August 31, 2011, was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Richard T. Limer 2/15/12
Board President Date